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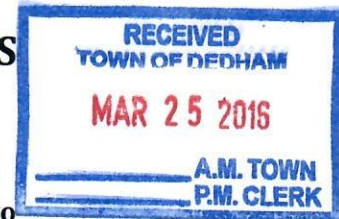
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**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION**



Applicant/Owner: Alberto and Gabriela Aramayo
Property Address: 26 Taylor Avenue, Dedham, MA
Case #: **VAR-02-16-2069**
Map/Lot, Zoning District: 154/138, Single Residence B
Application Date: February 10, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Alberto Aramayo
Legal Notice: To be allowed a Special Permit for a fence measuring 10 feet instead of the allowed 6 feet, six inches.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 10.0 Definitions*
Date Filed with Town Clerk: *March 25, 2016*

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, March 16, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Mr. Steeves was unable to attend the meeting, and Associate Members Jessica Porter and Jared Nokes were unavailable. Therefore, there were only four members sitting at the meeting.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood). Copies of all plans referred

to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

The Applicant was represented by the property owner, Alberto Aramayo. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 26 Taylor Avenue, Dedham, MA, and is shown on Dedham Assessors' Map 154 Lot 38. The certified plot plan indicates that the Subject Property contains 9,623 square feet of land and has 50 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 2002.

Prior to Mr. Aramayo's arrival, his next-door neighbor, Barbara Welch, 22 Taylor Avenue, presented her testimony in opposition to the petition. She said it was a residential area, and the existing 6-foot wooden fence should be sufficient. She said that the applicant's children have kicked balls into her yard and have damaged her gazebo. She has asked them to play in their own yard multiple times, or to go to Paul Park, which is two streets away, to no avail.

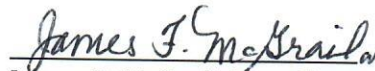
Mr. Aramayo arrived late; the location of the meeting had been changed, and he was at the wrong meeting. Only four members sat on this hearing, so the applicant would need a unanimous vote. The options of continuing with the hearing or continuing it to the next ZBA meeting were explained. The applicant chose to go forward with the petition. He explained that the main reason for the 10-foot fence is that his children, ages 10 and 5, play in his yard. He has been having problems with Mrs. Welch because the children and their friends are always in her yard when their ball goes over. He put up the existing 6-fence, but the ball still goes over. He said it is really hard to tell them to stay in their own yard. He said that Mrs. Welch yells at the children playing in the yard, and has threatened to call the police, which frightens the children. Mr. McGrail said Mrs. Welch has no issue with the children playing in the yard, but there has been some damage to her gazebo, and she is concerned. He suggested that Mr. Aramayo continue with the 6-foot fence and see how it goes. He advised him to try to work with the existing fence and withdraw his petition without prejudice. If the 6-foot fence is not sufficient, he can re-submit his application in 2-3 months. He said he would not

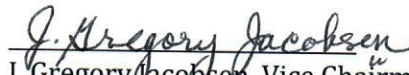
vote for a 10-foot fence at this time. If the Board voted at this meeting and denied his petition, he would have to wait another year to return. Mr. Maguire suggested a netting system that could be attached to the fence, and this will catch the balls. It is less expensive than putting in a 10-foot fence, and it can be taken down when it is not used.

Mr. Aramayo asked to withdraw his petition without prejudice. On a motion made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, LEED AP, the ZBA voted 4-0 to allow withdrawal of this petition without prejudice.

Dated: March 16, 2016

Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen, Vice Chairman


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:


Susan N. Webster

Materials Submitted:

- Zoning Board of Appeals application
- Plot plan provided by Mr. Aramayo
- Photograph of existing conditions